

From: J. Joseph Loehr
To: Microsoft ATR
Date: 1/25/02 6:03pm
Subject: worn out and sold out...

I write to express my absolute dismay and disgust with the proposed settlement.

It is unfathomable how our government could consider allowing Microsoft to escape basically intact, with what amounts to not much more than a "slap on the hand, and please don't do it again". If I were Bill Gates, based on how much his company is convicted of doing, and how little he is being punished, after such a long, long delay, I don't think I'd hesitate to aggressively pursue the next opportunity to dominate and monopolize any market. If you think he will, you are sadly naive. As it is, I'm CEO of a small software company, and I and every single CEO of software companies I personally know is well aware of the fact that Microsoft is essentially escaping real and corrective penalties. They have literally decimated and intimidated 100's of software companies into irrelevance, and they do the same with customers, essentially controlling all the choices that are truly available to the typical business. Only the most advanced and astute businesses are able to function without absolute dependence on the Microsoft monopoly. And it will apparently continue. Nothing in this settlement brings significant recompense to the companies and customers who have injured by over 15 years of Microsoft predatory practices.

To have won the conviction against Microsoft was a great step forward. Unbelievably, you've chosen, on behalf of the American Public, to give back that advance in the current settlement. I thank God that there are still some state governments intelligent enough to recognize your capitulation, and who are refusing to settle. I can only imagine that politics have played into this significantly. Essentially, Microsoft's money and influence has resulted in a change of priority regarding pursuit of a Microsoft breakup. I want you to know that as a voting Republican, and small business owner, I am seething about the Justice department's cowardice and compromise in this matter. With unlimited resources and a guilty verdict already in your hand, you should be ashamed. You are supposed to protect the public and business community. In this, you have managed, tragically, to snatch defeat from the jaws of victory.

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